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62041

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/620,411	11/30/90	SUZUKI T	P-9050-930-C

EXAMINER
WIECKING, D

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NEW YORK, NY 10036

ART UNIT	PAPER NUMBER
3307	6

DATE MAILED: 11/18/91

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 11/30/90 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire three month(s), ~~____ days~~ from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☒ ~~Notice re Patent Drawing, PTO-948~~.
3. ☒ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, Form PTO-152
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____.

Part II SUMMARY OF ACTION

1. ☒ Claims 25-138 are pending in the application.

   Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims 1-24 have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 25-138 are rejected.
5. ☒ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☒ This application has been filed with ~~a~~ formal drawings under 37 C.F.R. 1.85 ~~which are acceptable for examination purposes~~.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☒ The proposed additional or substitute sheet(s) of drawings, filed on 11/30/90. has (have) been ☒ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☒ ~~The proposed drawing correction, filed~~ 11/30/90 has been ☒ approved; ☐ ~~disapproved (see explanation)~~.
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____ ; filed on _____.
13. ☐ Since this application apppears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

PTOL-326 (Rev.9-89)

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The Abstract of the Disclosure is objected to because the Abstract should relate to the claimed invention. Correction is required. See M.P.E.P. § 608.01(b).

The amendment filed November 30, 1990 is objected to under 35 U.S.C. § 132 because it introduces new matter into the specification. 35 U.S.C. § 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the amendment to line 16 of page 6 states that the direction of arrows U Y is the direction of print head displacement. Line 3 of that page indicates the X is the scanning direction. Accordingly, any reference to Y being the carriage movement direction is new matter.

Applicant is required to cancel the new matter in the response to this Office action.

Claims 27, 30, 40-45, 50, 53, 64, 67, 77, 80, 90-95, 100, 103, 114 and 117 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Antecedent basis is lacking for "the compressive force".

> A person shall be entitled to a patent unless --
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 25-36, 38-47, 62-73, 75-86, 88-97, 112-123, 125-129 and 131 are rejected under 35 U.S.C. § 102(b) as being anticipated by Shiurila (US '519).

Note that wick 44 is formed of "bonded, compressed cellulose acetate material" (column 6 line 34) which undergoes expansion when wet to become tightly wedged in the container (lines 58-62). Regarding claim 27 for example, the wall opposite port 41e-1 engages the wick (line 38). Regarding claim 28-34 and 38 for example, at some point when the tank is nearly empty the wick will carry substantially all the ink; this may be the capacity desired by the user. The language --the absorbing member substantially fills the ink supply tank-- would preclude this interpretation, and incidentally would not recite the ink as part of the combination. Note also the projections on the tank sides and extending from the cover, and airhole 41e-2. Regarding claims 35 and 36, both Shiurila and Applicant teach atmospheric pressure.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that

> the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 37, 74, 87, 124, 130 and 137 are rejected under 35 U.S.C. § 103 as being unpatentable over Shiurila (US '519) in view of Wada (US '767). Wada teaches an ink transfer device composed of two layers of material of varying porosity to assist in the transfer of ink. Manufacturing the Shiurila absorbing member as two layers would therefor have been obvious to improve ink transfer as taught by Wada. Also note that the mere provision of making a device separable has long been considered obvious; In re Dulberg (129 USPQ 348). This would be particularly advantageous if the parts have different properties.

Claims 48-61 and 98-111 are rejected under 35 U.S.C. § 103 as being unpatentable over the prior art applied above in view of Shiurila (US '654) and Shiurila US '102). Each of these secondary references teach a receiving and transmitting means projecting into a tank; the use of this concept instead of surface contact as in Shiurila "519 would have been obvious due

to the improved contact between porous members.

The obviousness-type double patenting rejection is a judicially established doctrine based upon public policy and is primarily intended to prevent prolongation of the patent term by prohibiting claims in a second patent not patentably distinct from claims in a first patent. *In re Vogel*, 164 USPQ 619 (CCPA 1970). A timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(b) would overcome an actual or provisional rejection on this ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 C.F.R. § 1.78(d).

Claims 58 and 108 are provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 43 and 62 of copending application Serial No. 620,483. This is a *provisional* double patenting rejection since the conflicting claims have not in fact been patented.

Claims 25-29, 35, 37-42, 46, 62-66, 72 and 74 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 26, 27, 30 and 34 of copending application Serial No. 620,483. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims recite less than and are thereto obvious over the copending claims.

This is a *provisional* obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 48-54, 58, 60 and 61 are provisionally rejected under the judicially created doctrine of obviousness-type double

patenting as being unpatentable over claims 36, 37, 40 and 43 of copending application Serial No. 620, 483. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the reason noted above.

This is a *provisional* obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

10 Claims 75-79, 85, 87-92, 96, 112-116, 122 and 124 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 45, 46, 49 and 53 of copending application Serial No. 620,483. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the reasons noted above.

This is a *provisional* obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

10 Claims 98-104, 108, 110 and 111 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 55, 56, 59 and 62 of copending application Serial No. 620,483. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the reasons noted above.

This is a *provisional* obviousness-type double patenting

rejection because the conflicting claims have not in fact been patented.

10 Claims 37 and 74 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 27, 30 or 34 of copending application Serial No. 620,483 in view of Wada as noted above and that the instant claims otherwise recite less than and are therefor obvious over the copending claims.

This is a *provisional* obviousness-type double patenting rejection.

10 Claims 87 and 124 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 46, 49 or 53 of copending application Serial No. 620,483. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the reasons noted above.

This is a *provisional* obviousness-type double patenting rejection because the conflicting claims have not in fact been patented

This is a *provisional* obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

10 Claim 60 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being

unpatentable over claims 37, 40 or 43 of copending application Serial No. 620,483. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the reasons noted above.

10 Claim 110 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 56, 59 or 62 of copending application Serial No. 620,483. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the reasons noted above.

This is a *provisional* obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

-11 Claims 35, 36, 46, 47, 72 and 73 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 25 and 28 of copending application Serial No. 620,483 in view of Shiurila '519 as noted above.

This is a *provisional* obviousness-type double patenting rejection.

-12 Claims 58 and 59 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 35 and 38 of copending application Serial No. 620,483 in view of Shiurila '519.

This is a *provisional* obviousness-type double patenting rejection.

TD Claims 85, 86, 96, 97, 122 and 123 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 44 and 47 of copending application Serial No. 620,483 in view of Shiurila '519.

This is a *provisional* obviousness-type double patenting rejection.

TD Claims 96 and 97 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 54 and 57 of copending application Serial No. 620,483 in view of Shiurila '519.

This is a *provisional* obviousness-type double patenting rejection.

TD Claims 25-34, 37, 39-45, 62-71 and 74 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 25-34 of copending application Serial No. 620,483 in view of Shiurila '519 and the fact that the instant claims otherwise recite less than and are therefor obvious in view of the copending claims.

This is a *provisional* obviousness-type double patenting rejection.

TD Claims 48-57, 60 and 61 are provisionally rejected under the

judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 35-43 of copending application Serial No. 602,483. Although the conflicting claims are not identical, they are not patentably distinct from each other because the reasons noted immediately above.

This is a *provisional* obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

10 Claims 75-84, 87, 89-95, 112-121 and 124 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 44-53 of copending application Serial No. 620,483. Although the conflicting claims are not identical, they are not patentably distinct from each other because the reasons noted above.

This is a *provisional* obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

10 Claims 98-107, 110 and 111 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 54-62 of copending application Serial No. 620,483. Although the conflicting claims are not identical, they are not patentably distinct from each other because the reasons noted above.

This is a *provisional* obviousness-type double patenting

rejection because the conflicting claims have not in fact been patented.

Claims 129 and 136 provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 63 and 64 of copending application Serial No. 620,483 in view of Shiurila '519.

This is a *provisional* obviousness-type double patenting rejection.

10 Claims 125-137 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 44-62 of copending application Serial No. 620,483. Although the conflicting claims are not identical, they are not patentably distinct from each other because the method would have been obvious from the structure recited in the copending claims.

This is a *provisional* obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

11 Claims 32, 33, 36, 45, 47, 69, 70 and 73 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 25, 29 and 30 of copending application Serial No. 620,408 in view of Shiurila '519 as noted above.

This is a *provisional* obviousness-type double patenting

rejection.

TP Claims 55, 56 and 59 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 31, 35 and 36 of copending application Serial No. 620,408 in view of Shiurila '519 as noted above.

This is a *provisional* obviousness-type double patenting rejection.

TP Claims 82, 83, 86, 95, 97, 119, 120 and 123 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 37, 41 and 42 of copending application Serial No. 620,408 in view of Shiurila '519 as noted above.

This is a *provisional* obviousness-type double patenting rejection.

TP Claims 105, 106 and 109 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 43, 47 and 48 of copending application Serial No. 620,408 in view of Shiurila '519 as noted above.

This is a *provisional* obviousness-type double patenting rejection.

TP Claims 127 and 135 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting

as being unpatentable over claims 38 and 44 of copending application Serial No. 620,408 in view of Shiurila '519 and the fact that the method would be obvious from the recited structure.

This is a *provisional* obviousness-type double patenting rejection.

10 Claims 37, 60, 74, 87, 110 and 124 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 25, 31, 37 and 54 of copending application Serial No. 620,408 in view of Wada and Shiurila '519 as noted above.

This is a *provisional* obviousness-type double patenting rejection.

10 Claims 25-29, 33, 34, 39-42, 48-52, 56, 57, 62-66, 70, 71, 75-79, 83, 84, 89-92, 98-102, 106, 107, 112-116, 120 and 121 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 27, 33, 39 and 45 of copending application Serial No. 620,408. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims recite less than the copending claims and are therefor obvious.

This is a *provisional* obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 125, 126, 128, 132, 133 and 135 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 39 and 45 of copending application Serial No. 620,408. Although the conflicting claims are not identical, they are not patentably distinct from each other because the method would have been obvious from the recited structure.

This is a *provisional* obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 37, 60, 74, 87, 110 and 124 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 25, 34, 46 and 55 of copending application Serial No. 620,407 in view of Shiurila '519 as noted above.

This is a *provisional* obviousness-type double patenting rejection.

Claims 37, 74, 87 and 124 are provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 29 and 50 of copending application Serial No. 620,407. This is a *provisional* double patenting rejection since the conflicting claims have not in fact been patented.

Claims 25-27, 30, 38-40, 43, 53, 62-64, 75-77, 88-90, 98-100 and 111-114 are provisionally rejected under the judicially

created doctrine of obviousness-type double patenting as being unpatentable over claims 29, 32, 39, 50, 53, 56, 57 and 60 of copending application Serial No. 620,407. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims recite less than and are therefor obvious in view of the opening claims.

This is a *provisional* obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

10 Claims 130 and 137 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 67 and 72 of copending application Serial No. 620,407 in view of Shiurila '519.

This is a *provisional* obviousness-type double patenting rejection.

10 Claims 125, 126, 128, 132, 133 and 135 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 50, 53, 56 and 57 of copending application Serial No. 620,407. Although the conflicting claims are not identical, they are not patentably distinct from each other because the method would have been obvious in view of the recited structure.

This is a *provisional* obviousness-type double patenting rejection because the conflicting claims have not in fact been

patented.

~~The following is a quotation of 35 U.S.C. § 103 which forms~~

TD Claims 25-29, 31-36, 40-42, 44-52, 54-59, 62-66 and 68-73 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 30-33, 36, 37, 45-48, 51 and 52 of copending application Serial No. 620,228. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims recite less than and are thereto obvious in view of the copending claims.

This is a *provisional* obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

TD Claims 75-79, 81-86, 90-92, 94-102, 104-109, 112-116 and 118-123 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 60-63, 66, 67, 75-78, 81 and 82 of copending application Serial No. 620,228. Although the conflicting claims are not identical, they are not patentably distinct from each other because the reason noted above.

This is a *provisional* obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

TD Claims 125-129 and 132-136 are provisionally rejected under

the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 59, 60, 63, 67, 74, 75, 78 and 82 of copending application Serial No. 624,228. Although the conflicting claims are not identical, they are not patentably distinct from each other because the method is obvious from the structure.

This is a *provisional* obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

10 Claims 37, 60, 74, 87, 110, 124 and 125 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 26, 41, 56, 71 and 85 of copending application Serial No. 624,228 in view of Shiurila '519 as noted above.

This is a *provisional* obviousness-type double patenting rejection.

10 Claims 37, 60, 74, 87, 110 and 124 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 26, 41, 56 and 71 of copending application Serial No. 624,228 in view of Wada as noted above.

This is a *provisional* obviousness-type double patenting rejection.

10 Claims 130 and 137 provisionally rejected under the

judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 56 and 71 of copending application Serial No. 624,228 in view of Shiurila '519 and the fact that the method is obvious from the recited structure.

This is a *provisional* obviousness-type double patenting rejection.

10 Claims 25, 39, 48, 75, 89, 98, 125 and 138 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9 or 37 of copending application Serial No. 612,010. Although the conflicting claims are not identical, they are not patentably distinct from each other because these claims recite less than and are therefor obvious in view of the copending claim; the method claims are obvious from the recited structure.

This is a *provisional* obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

10 Claims 25-27, 37-40, 48-50, 60-64, 74-77, 87-90, 98-100, 110-114, 124, 125, 130, 132 and 137 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 6-8, 18, 22, 31, 35 and 36 of copending application Serial No. 612,010 in view of Shiurila '519 which teaches the compressed absorbing member as noted above and the obviousness of the method over the structure.

This is a *provisional* obviousness-type double patenting rejection.

Claims 25-28, 33, 38-41, 48-51, 56, 61-65, 70, 75-78, 83, 88-91, 98-101, 106, 111-115, 120, 125, 128, 131, 132, 135 and 138 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10, 33 or 38 of copending application Serial No. 612,010 in view of Shiurila '519 as noted above.

This is a *provisional* obviousness-type double patenting rejection.

Claims 37, 60, 74, 87, 110, 124, 130 and 137 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 10 of copending application Serial No. 612,010 in view of Shiurila '519, Wada which teaches the layered absorbing member aspect and the conventionality of making parts separable.

This is a *provisional* obviousness-type double patenting rejection.

Claims 29, 34, 42, 52, 57, 66, 71, 79, 84, 92, 102, 107, 116, 121, 127 and 134 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11, 34 or 39 of copending application Serial No. 612,010 in view of Shiurila as noted above.

This is a *provisional* obviousness-type double patenting rejection.

11 Claims 25-29, 31-36, 38-42, 44-47, 62-66, 68-72 and 74 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 30-38 of copending application Serial No. 620,406. Although the conflicting claims are not identical, they are not patentably distinct from each other because these claim recite less than and are therefor obvious in view of the copending claims.

This is a *provisional* obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

10 Claims 48-52, 54-59 and 61 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 45-53 of copending application Serial No. 620,406. Although the conflicting claims are not identical, they are not patentably distinct from each other because the reason noted above.

This is a *provisional* obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

10 Claims 75-79, 81-86, 88-92, 94-97, 112-116, 118-122 and 124 are provisionally rejected under the judicially created doctrine

of obviousness-type double patenting as being unpatentable over claims 60-68 of copending application Serial No. 620,406. Although the conflicting claims are not identical, they are not patentably distinct from each other because the reason noted above.

This is a *provisional* obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 98-102, 104-109 and 111 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 75-83 of copending application Serial No. 620,406. Although the conflicting claims are not identical, they are not patentably distinct from each other because the reason noted above.

This is a *provisional* obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 37, 60, 74, 87, 110 and 124 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 31, 46, 61 and 76 of copending application Serial No. 620,406 in view of Wada and the conventionality of making parts separable.

This is a *provisional* obviousness-type double patenting rejection.

Claims 25, 39, 48,62, 75, 89, 98, 112, 125 and 132 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 25-29, 39-44, 54-59, 69-74 and 85-88 of copending application Serial No. 620,406 in view of Shiurila '519 as noted above.

This is a *provisional* obviousness-type double patenting rejection.

Claims 25-27, 38-40, 48-50, 62-64, 75-77, 88-90, 98-100, 112-114, 125, 126, 131-133 and 138 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 4,969,759 in view of Shiurila '519.

Claims 37, 60, 74, 87, 110, 124, 130 and 137 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 4,969,759 in view of Shiurila '519, Wada, and the aforementioned obviousness of making parts separate.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kasugayama (JP '874) shows a porous member substantially filling a dot matrix ink supply tank, and a groove on the bottom. Murphy et al (US '433 note the date) teaches grooves in the bottom of an ink tank having an ink pad. Compression of an

absorbent member is shown by Fish (US '566), Allen (US '998), Visser (US '597), Cowger et al (US '409) Siegel (US '667) and Price, Jr. (US '827). Navikas teaches compressed ink absorbing member which can be plural layers or one part. Gordon shows an ink reservoir with projections on the bottom. Kilham (US '756) teaches different degrees of porosity.

This is a division of applicant's earlier application S.N. 07/612,010. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds or art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See M.P.E.P. § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication should be directed to Examiner D. Wiecking at telephone number (703) 308-0976.

D. Wiecking:bhw
November 14, 1991

DAVID A. WIECKING
PRIMARY EXAMINER
GROUP 330